



Cont. P(MD)No.1332 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont. P(MD)No.1332 of 2019

in

W.P.(MD)No.13599 of 2018

The Correspondent
Mar Gregarious High School
Kirathoor, Kanyakumari District
Kanyakumari District-629 181.

... Petitioner

Vs.

Senthil Velmurugan
The Chief Educational Officer,
Nagercoil-629 001
Kanyakumari District.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent herein for her willful and deliberate disobedience of the order of this Court dated 26.06.2018 in W.P.(MD)No.13599 of 2018.

For Petitioner

:Mr.K.Ragatheesh Kumar

For Respondent

:Mr.R.Baskaran

Additional Advocate General
assisted by Mr.S.Shaji Bino
Special Government Pleader



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ORDER

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Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents.

2. The writ petitioner is a minority school. It appointed one J.Mary Suji as Physical Education Teacher with effect from 10.06.2013. Proposal seeking approval of her appointment was submitted. The said proposal was returned on 27.09.2017. One of the grounds of return was that the proposal must be accompanied by a certificate from the school correspondent that there is no surplus teacher in the post of Physical Education Teacher in the schools run by the corporate management. The order was set aside on 26.06.2018 in the following terms:-

“13. In the result, the impugned communication dated 27.09.2017 of the third respondent is set aside and the matter is remitted back to the second respondent for reconsideration of the said proposal for approval of appointment of Physical Education Teacher at the petitioner school and on consideration of the same, the second respondent is directed to pass orders on merits and in accordance with law without insisting the certificates as demanded in the impugned order. The said order shall be passed within a period of six weeks from the date of receipt of a copy of this order.”

Contending that the order passed by this Court has not been complied



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with, the present writ petition came to be filed.

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3. When the matter was taken up for hearing, the learned Additional Advocate General appearing for the respondents produced a copy of the rejection order dated 20.09.2022. I must note that one of the grounds of rejection was that there are surplus teachers in the school run by the Corporate Management.

4. As already pointed out, on this ground, the petitioner's proposal could not have been negated. But one another reason has also been incorporated in the rejection order and it is that in view of the fall in the students' strength, the post of Physical Education Teacher is surplus. Whether this ground is sustainable or not has to be tested in independent writ proceedings.

5. I am now concerned with a case of contempt. My predecessor Judge did not give any positive direction that the proposal should be approved. The only restriction that was placed was that the certificate as demanded in the impugned order should not be insisted upon. The present rejection order talks about students' strength also. Therefore, I am satisfied that the respondent has not committed any act of contempt.



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G.R.SWAMINATHAN, J.

rmi

6. The contempt petition stands closed.

21.09.2022

Index: Yes/No
Internet: Yes/No
rmi

To

The Chief Educational Officer,
Nagercoil-629 001
Kanyakumari District.

ORDER MADE IN

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